IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5167 OF 2007

Sandeep S. Nikam ...Petitioner

v/s

The State of Maharashtra and anr. ...Respondents

Mr Bhavesh Parmar for Petitioner.

Mr S.R. Nargolkar, A.G.P. for Respondent No.1.

Mr M.C. Patil for Respondent No.2.

CORAM : D.K. DESHMUKH AND V.M. KANADE JJ.

DATE : 18TH DECEMBER 2007.

P.C. :-

1. By this petition, the petitioner seeks an order directing the Nasik Municipal Corporation to pay him earned wages from 5th July 2006 till date. So far as this aspect is concerned, according to the Corporation, he has been paid. Whether the petitioner has been paid or not is a disputed question of fact and it can be raised before the Industrial Court.

2. So far as the regularisation of services of the petitioner is concerned, it appears that the Corporation has passed a resolution seeking order from the State Government for creation of posts for regularising services of the petitioner, but the State Government by order dated 4th March 2006 has declined to create the posts. In the petition, there is no challenge to that order. If there is no post where the petitioner can be appointed, the Corporation cannot be directed to regularise the services of the petitioner.

Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary of the Court.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(V.M. KANADE J.)